

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 4, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-18902 - APPLICANT: PAWN PLUS -
OWNER: CHRISTENSEN BROTHERS LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 7, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/se vote) recommends APPROVAL, subject to:

Planning and Development

1. This approval shall be void 18 months from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for an existing Pawn Shop, currently located at 1237 E. Sahara Avenue. The applicant states the Pawn shop is being relocating to 854 and 856 E. Sahara Avenue. The request includes a Waiver of the 1,000-foot distance separation requirement from an existing Financial Institution, Specified, located at 610 East Sahara Avenue.

The applicant seeks to relocate a Pawn Shop to a separate commercial building located on East Sahara Avenue. The subject site does not meet the minimum 1000-foot separation requirement from an existing Financial Institution, Specified, as the subject parcel is 685 feet from a check cashing and title loan business.

The proposed Pawn Shop is to occupy two spaces within an existing building and is replacing another retail business. Built in 1963, the building was constructed in accordance with the parking requirements at that time and is presently considered parking impaired. Parking is not an issue in this instance since the use will still be retail in nature.

An addendum to the Justification letter the applicant adds a request for the Use Permit to be in effect for 18 months from date of approval to allow time for the existing tenant to relocate to a new location.

BACKGROUND INFORMATION

<i>Related Building Permits/Business Licenses</i>	
02/08/07	The Planning Commission voted 6-1/se to recommend APPROVAL (PC Agenda Item #29/lhm).
<i>Pre-Application Meeting</i>	
12/11/06	A pre-application meeting was held to discuss the requirements for a Special Use Permit for a pawn shop at the proposed location. In addition, the applicant was informed that this would require a waiver for the distance separation requirement from an existing Financial Institution, Specified.
<i>Neighborhood Meeting</i>	
N/A	A neighborhood meeting was not required, nor was one held.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	.57

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Retail	C (Commercial)	C-1 (Limited Commercial)
North	Medical Offices	C (Commercial)	C-1 (Limited Commercial)
South	E.Sahara Ave/Clark County	ROW/Clark County	ROW
East	Commercial Retail	C (Commercial)	C-1 (Limited Commercial)
West	Church	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance	X		Y

A-O Airport Overlay District

The proposed use of a Pawn Shop within an existing retail location will have no impact on the 70-foot height restrict set forth by the Airport Overlay District.

Redevelopment Plan Area

This project is located with the Redevelopment Plan Area. The objective of this plan is to strengthen and diversify the economic base of the Redevelopment area. The proposed Special Use Permit for a Pawn Shop with a waiver of the separation distance from a Financial Institution, Specified does not comply with the diversification of businesses in the Redevelopment Area.

Project of Regional Significance

This is a Project of Regional Significance because the use will be within 500 feet of the boundary between the City of Las Vegas and unincorporated Clark County. A Development Impact Notification Assessment and Project of Regional Significance information were submitted by the applicant and routed by Planning. There has not been any comment received at the time of this report.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Pawn Shop	8,750 GFA	1/250	35	2	36	2	N
TOTAL (including handicap)	22,000 GFA	1963 Standards	43	2	36	2	N

City records indicate the building was built in 1963, consisting of approximately 22,000 square feet, of which 18,000 is currently being used as office and retail space and the remainder is used for storage. Parking is located on two parcels behind the building and 38 parking spaces (includes 2 Handicap) are provided for tenants and customers. The 1962 City of Las Vegas Zoning Code, Ordinance Number 972, required retail buildings to provide 10 parking spaces for the first 5500 square feet of gross floor area and for each additional 500 square feet or fraction thereof in excess 5500 square feet – one additional space. Current parking standards render the building to be considered parking impaired development. Parking is not an issue in this instance since the proposed use will remain retail in nature and the building area is not being increased.

Per Title 19.10.010 C) Parking-Impaired Development:

"A land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this Section, shall not be considered a nonconforming use or non-conforming building; but rather, it shall be considered a parking-impaired development. The following rules shall apply to the remodeling, alteration, expansion or reuse of parking-impaired developments:

(1) Building permits and certificates of occupancy may be issued for remodeling or structural alterations of parking-impaired developments without requiring compliance with this Chapter, provided that such work does not increase the building area or result in a change of use that requires an increase in the number of required parking spaces."

The proposed Financial Institution, Specified does not increase the parking requirement beyond the previous use.

Waivers		
Request	Requirement	Staff Recommendation
To allow zero feet of separation from an established Financial Institution, Specified.	1,000 foot from an existing Financial Institution, Specified.	Denial

ANALYSIS

- Zoning

The existing zoning is C-1 (Limited Commercial). This zoning is appropriate for the General Plan Land Use designation of C (Commercial). The proposed Pawn Shop use is allowed under that designation with approval of a Special Use Permit.

- Use

Pawn Shop is defined as follows:

A facility (other than a bank, saving and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

The use, as proposed by the applicant, meets this definition as outlined in the Code, and is a permitted use in the C-1 (Limited Commercial) Zoning district with a Special Use Permit as sought by this application.

Although there is an established Financial Institution, Specified, within immediate proximity of the proposed Pawn Shop, the applicant notes there appears to be seven (7) Financial Institutions, Specified, located close to the current location of the Pawn Shop. The applicant seeks to highlight the reduction of saturation of these businesses in the proposed location, and the difference in that the majority of the revenue from the pawn operation comes from retail sales, primarily jewelry sales. The applicant has presented photographs of recently opened stores with the application showing a layout much in-line with a jewelry store, However; as the justification letter states that pawn-loans are provided on-site the use must be applied as such. Therefore staff recommends denial.

- Conditions

Pursuant to Title 19.04.050 the following conditions must be met for a Financial :

1. The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.
2. No outdoor display, sales or storage of any merchandise shall be permitted
3. No pawn shop shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.
4. No pawn shop use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no pawn shop use may be located closer than 1000 feet from any other pawn shop or specified financial institution use. For purposes of this Regulation 4, distances shall be measured in a straight line from property line to property line without regard to intervening obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

Because it does not meet the minimum conditions as listed in Title 19.04, the proposed Pawn Shop will be incompatible with the adjacent commercial uses, which is why a Waiver from the separation requirement of 1,000 feet from an established Financial Institution, Specified use is being requested. Therefore, staff recommends denial.

FINDINGS

The following findings must be made for a Special Use Permit:

1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”
2. “The subject site is physically suitable for the type and intensity of land use proposed.”
3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”
4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”
5. The use meets all of the applicable conditions per Title 19.04.

In regard to “1”:

The proposed Pawn Shop is to be relocated in a building that is 685 feet from an existing Financial Institution. Therefore, the proposed use cannot meet the conditional requirements as set forth by Title 19.04.050. As a result of the failure to meet separation requirements from a Financial Institution, Specified, staff cannot recommend approval for this Special Use Permit

In regard to “2”:

The site is physically constrained due to the location of the existing Financial Institution, within the 1000-foot separation requirement from the proposed Pawn.

In regard to “3”:

The primary access to the site is served via Sahara Avenue, designated as a (100-foot) Primary Arterial roadway on the Master Plan of Streets and Highways, which will adequately serve the proposed Pawn Shop use.

In regard to “4”:

The Special Use Permit for a Pawn Shop requires separation from an established Financial Institution. As the subject site fails to meet this separation requirement, the public welfare protections required in Title 19 would be compromised.

In regard to “5”:

The proposed relocation of a Pawn Shop requires separation from an established Financial Institution. As the subject site fails to meet this condition as set forth by Title 19.04.050, it is not in total compliance.

PLANNING COMMISSION ACTION

There were two speakers in opposition at Planning Commission Meeting. The Planning Commission amended condition #1.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 144 by City Clerk

APPROVALS 0

PROTESTS 0